

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHLOMO OHANA,

Petitioner,

v.

THOMAS BELL,

Respondent.

Case No: 07-12313

Hon. Lawrence P. Zatkoff

ORDER

This matter is before the Court on Petitioner's motion for a certificate of appealability [dkt 18], Petitioner's application to proceed *in forma pauperis* on appeal [dkt 19].

In its January 7, 2009, order, the Court denied Petitioner's petition for writ of habeas corpus and further declined to issue Petitioner a certificate of appealability, finding that reasonable minds would not debate the Court's conclusion. As the Court has already declined to issue a certificate of appealability, the Court DENIES Petitioner's motion.

Having reviewed Petitioner's application, however, the Court finds that Petitioner's appeal is not frivolous and is taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A). Accordingly, IT IS HEREBY ORDERED that Petitioner's application to proceed *in forma pauperis* on appeal is GRANTED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: April 16, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 16, 2009.

S/Marie E. Verlinde

Case Manager

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